

REMARKS/ARGUMENTS

In the Claims:

Claims 1-14 and 16-45 are now pending in the present application. Claim 15 was previously canceled and no claims have been amended in this response.

Rejection of Claims 39-40 Under 35 U.S.C. § 112

The Applicants note that the Examiner has withdrawn the rejection of claims 39-40 under 35 U.S.C. § 112 in view of Applicants prior amendments and comments.

Rejection of Claims 14, 16-25, 34 and 36-37 Under 35 U.S.C. § 102(b)

The Examiner rejected claims 14-25, 34 and 36-37 under 35 U.S.C. § 102(b) as being anticipated by Adam et al. (US 2002/0181710). As Applicants do not believe Adam et al. (hereafter Adam) to teach the subject matter of the rejected claims as amended, the rejection is respectfully traversed.

Regarding claim 14 the examiner argues that Adam discloses the feature of claim 14 that the at least one client device “is adapted to receive from a mobile device identity information for said mobile device”. Section 19b argues that this feature is disclosed in paragraphs 0119, 0156 and 0168 of Adam.

Paragraphs 0119 and 0156 of Adam disclose features of a mobile phone including a SIM card. However, the presence of a SIM card in a mobile phone does not teach or imply that a client device is adapted to receive from a mobile device identity information for the mobile device.

Paragraph 0168 of Adam refers to the POS receiving the customer’s (or his mobile phone) identification details. However, it is clear from the discussion in

paragraphs 0123 to 0125 and from paragraph 0168 itself that this is intended to identify the customer and not the mobile phone itself. See for example Adam paragraph 0126 and 0168 which both teach that a message is sent “containing the customer’s ID”, which makes it clear that whatever the form of the identification provided to the POS this is used to identify the customer. The teaching of Adam does not identify any purpose for which the identity of the mobile phone itself, as opposed to the identity of the customer, would be required.

Claim 14 specifies that the client device is adapted to receive from the mobile device “identity information for said mobile device and a first part of the authorization data comprising one of a personal identification number and a code specific to said personal identification number via its input and to send said first part of the authorization data to the at least one server”.

There is no disclosure in Adam that the mobile phone should carry out such an action. The detailed discussion of the method of Adam in paragraphs 0122 to 0125 and 0168 disclose various forms which the customer identification can take, but only the sending of a single customer identification from the mobile phone to the POS is disclosed. The different forms of identification are clearly disclosed as alternatives. Accordingly, there is no disclosure in Adam of the POS receiving from the mobile phone “identity information for said mobile device and a first part of the authorization data comprising one of a personal identification number and a code specific to said personal identification number” according to claim 14.

Further, Adam does not disclose that the server responds to “receiving said first part of the authorisation data and the mobile device identity information, to verify said

authorisation data and to retrieve said second part of the authorisation data comprising the user's financial data to complete a transaction".

There is no disclosure in Adam that information identifying the mobile phone is sent to the server or that the server takes any action in response to receiving authorisation data and information identifying the mobile phone. As explained above Adam discloses only that the "customer's ID" is sent to the server.

Thus claim 14 is not anticipated by Adam.

Regarding claims 16-25, Applicants respectfully disagree that these claims are anticipated by Adam. However, as these claims are dependent from claim, it is not necessary to show that they are novel in their own right at this time.

Claims 34, 36 and 37 respectively relate to a payment system, a method of authorizing a transaction and a method of providing a receipt and all include the feature of receiving an identifier including identity information for a mobile device/communication device.

As explained above regarding claim 14 there is no teaching in Adam of the server receiving identity information for the mobile phone from the POS. Accordingly, it is not possible for the server of Adam to act as the system or carry out the method of claims 34, 36 and 37.

Further, Adam does not disclose the feature of claim 36 of using an identifier "to locate a set of one or more authorization codes for payment systems". Adam does not teach the location of a set of one or more authorization codes for payment systems. Paragraph 0136 of Adam teaches only that "the customer's account with the CSC is debited". There is no teaching in Adam of authorization codes for payment systems.

Further, Adam does not disclose the features of claim 37 of “receiving transaction information including identity information for a communication device from said communication device having an address” and subsequently “generating a receipt” and “transmitting the generated receipt to a communication device having a different address”. Adam teaches that transaction information is received from a POS and that after authorization the transaction is conducted and finalized by communication between the POS and the server. There is no teaching of the server receiving identity information for the mobile phone from the POS or any teaching of transmitting a receipt.

Thus claims 34, 36 and 37 are not anticipated by Adam.

Rejection of Claims 1-13, 26-33, 35, and 38-45 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-13, 26-33, 35, and 38-45 under 35 U.S.C. § 103(a) as being unpatentable over Adam et al. in view of one or more other US patent references. Applicants have enumerated the deficiencies of Adam above. Combining Adam with these additional patent references does nothing to correct said deficiencies. As such, Applicants respectfully submit that Adam in view of one or more other US patent references cannot support a rejection of claims 1-13, 26-33, 35, and 38-45 under 35 U.S.C. § 103(a).

Regarding the question of obviousness of claim 14 in light of the disclosure of Adam, Applicants repeat the observations in the previous response as set out below. We believe that it is appropriate to maintain the previous arguments regarding obviousness because we are in disagreement with the examiner regarding the disclosure of Adam.

“As already indicated, Adam teaches that that a customer (user) identifies himself at the POS using an ID number previously assigned to him (paragraph 0122). As described in paragraphs 0123 to 0125, in most instances the customer must either memorize or have easy access to his customer ID. This may comprise a barcode applied to his mobile phone or some other audio or visual feature applied to the phone. The only forms of customer ID taught by Adam that the user need not memorize are those described at the end of paragraph 0123 (radio frequency ID signal) and paragraph 0125 (generation within the phone of an arbitrary number), but, as will be demonstrated below, the user is still required to somehow recognize or easily access such customer ID as part of the transaction authorization process.

In the case where an imposter not having possession of the customer's phone but somehow having possession of the customer's ID seeks to perform a transaction at a POS, the imposter will be thwarted by the fact that the process taught by Adam requires a second communication to be sent from the CRC to the customer's mobile phone over a wireless cellular network (paragraphs 0126 to 0136).

In the transaction process of Adam, a customer (or an imposter), as a preliminary step, provides the customer's ID to the POS (paragraph 0122). Once the customer's ID has been verified thereby verifying the customer's alleged presence at the POS (but which could be an imposter), the POS sends to the CRC a first communication comprising transaction details consisting of the merchant's ID, the customer's ID and the transaction amount. Subsequently, in order to obtain transaction authorization from the customer, the CRC sends a second communication to the customer's mobile phone over a cellular wireless network. This second communication comprises the transaction

details, namely the merchant's ID, the customer's ID and the transaction amount.

Where the customer is indeed attempting to make a genuine purchase, the customer, upon receiving the anticipated second communication and then viewing the transaction details, provides authorization by accepting the transaction, which acceptance is conveyed back to the CRC as a third communication over the cellular wireless network. Presumably, the purpose of including all of the transaction details including the merchant's ID, the customer's ID and the transaction amount is so that a genuine customer can check each part to see if it is correct. The customer must therefore either somehow recognize (have memorized) or have easy access to said transaction details in order to spot any discrepancies which might require the customer to decline authorization pending correction of the transaction. Easy access implies easy accessibility for non-authorized persons, and having to memorize difficult data is known to encourage people to write down in accessible places such information as an aide memoir, thus putting the security of the information at risk which is clearly not desirable.

In the case that an imposter is attempting to make a transaction using a customer's ID, but not having the customer's mobile phone (paragraph 0132), the sending by the CRC of the second communication via the cellular wireless network will thwart the imposter because this message will be received at the genuine customer's mobile device who naturally will not authorize the transaction. However, this solution to the problem of imposters creates a security risk in that it requires the transaction details including the customer's ID to be transmitted over a public cellular wireless network thereby risking said information being intercepted. This is not desirable because, as is

recognized in Adam, paragraph 0123, lines 4-5, it is desirable to keep one's customer ID secret.

Adam clearly and unambiguously teaches a system which attempts to verify a customer's physical presence at a POS and which seeks customer's authorization of a transaction by sending transaction details including the customer's ID to the customer's mobile device over a public cellular wireless network.

In contrast, the present application teaches a system that verifies the presence of a mobile device at the location of client device (POS) and does not suffer the disadvantage of conveying secret customer IDs over a public communication network in a transaction authorization process. Although in exemplary embodiments of the present case, the mobile device identity information is described as being the mobile phone telephone number, one of ordinary skill in the art will appreciate that any identifier of the device such as its SIM card number could be used to uniquely identify the mobile device per se. Furthermore, there is no requirement for a user to memorize the mobile device identity information or to have easy access to it at any time, because the identity information is, as defined in claim 14, provided to the client device by the mobile device and the transaction authorization process does not require said mobile device identity information to be somehow conveyed back to the mobile device to enable a user to authorize a transaction. Consequently, the arrangement defined by claim 14 defines a more secure arrangement than that taught by Adam and, in any event, addresses a different situation despite the apparent similarities, namely that the present case is concerned with verifying the presence of a mobile device at the location of a client

device (POS) whereas Adam is concerned with verifying the presence of a customer at the POS rather than the presence of the customer's mobile phone itself.

It should also be apparent that one skilled in the art would not seriously contemplate modifying the system taught by Adam by any of the other references of record to arrive at the invention as defined by claim 14 given that Adam consistently and unambiguously teaches a system where a customer's physical presence at a POS is verified and not the physical presence of his mobile phone as is required in the present application.

In summary, Adam teaches a system where it is not necessary to have possession of a customer's mobile phone physically at the location of the POS to verify the (alleged) presence of the customer at the POS, but where, in order to defeat imposters, the system sends an authorization request including the customer's ID to the customer's mobile phone over a public wireless communication network. The present case does require the physical presence of the mobile device at the location of the client device (POS), but does not require the sending of the mobile device identity information over a public communication network to the mobile device as part of a transaction authorization process. This is because the server system stores the data relating to the mobile device identity information that enables the transaction authorization process without recourse to communication over a public network with the mobile device thereby maintaining security of the data used in the authorization process.

It is respectfully submitted therefore that claim 14 defines an invention that is neither anticipated nor rendered obvious by Adam or by any of the references of record, whether taken singly or in any combination."

In section 10 the examiner has rejected claims 1-11 and 38-43 as obvious over Adam in view of Shore (US 2003/0149662).

The examiner accepts that claim 1 is distinguished from Adam by the feature of a user data maintenance process for storing and updating user data in the user data store and argues that Shore teaches a process for storing and updating user data.

Claim 1 includes corresponding features to claim 14 that the at least one client device "is adapted to receive from a mobile device identity information for said mobile device", and that the server responds to "receiving said first part of the authorisation data and the mobile device identity information, to verify said authorisation data and to retrieve said second part of the authorisation data comprising the user's financial data to complete a transaction".

These features are not disclosed or made obvious by Adam for the reasons set out above for claim 14.

Further, these features are also not disclosed in Shore. Shore does not include any teaching regarding identity information for mobile devices. It is observed that the examiner does not suggest that these features are disclosed in Shore, but only that a user data maintenance process is disclosed in Shore.

Accordingly, since there is no teaching in Shore relevant to the above identified novel features, claim 1 is novel and non-obvious for the same reasons as set out above for claim 14.

Regarding claims 2-11 and 38-43, Applicants disagree that these claims are made obvious by Adam in view of Shore. However, as these claims are dependent on

claim 1, which Applicants believe to be novel and non-obvious, it is not necessary to show that claims 2-11 and 38-43 are novel and non-obvious in their own right.

In section 11 the examiner has rejected claim 12 as being obvious over Adam in view of Shore and Schutzer (US 5920848). Applicants disagree that claim 12 is obvious. However, as claim 12 is dependent on claim 1, which Applicants believe to be novel and non-obvious, it is not necessary to show that claim 12 is novel and non-obvious in its own right.

In section 12 the examiner has rejected claim 13 as obvious over Adam in view of Shore and Grunbok (US 6305603). Applicants disagree that claim 13 is obvious. However, as claim 13 is dependent on claim 1, which Applicants believe to be novel and non-obvious, it is not necessary to show that claim 13 is novel and non-obvious in its own right.

In section 13 the examiner has rejected claims 26 to 28 as obvious over Adam in view of Grunbok.

The examiner accepts that claim 26 is distinguished from Adam by the feature of update means for updating data representing a cash amount and argues that Grunbok teaches update means for updating data representing a cash amount.

Claim 26 includes corresponding features to claim 14 that the at least one client device "is adapted to receive from a mobile device identity information for said mobile device", and that the server responds to "receiving said first part of the authorisation data and the mobile device identity information, to verify said authorisation data and to retrieve said second part of the authorisation data comprising the user's financial data to complete a transaction".

These features are not disclosed or made obvious by Adam for the reasons set out above for claim 14.

Further, these features are also not disclosed in Grunbok. Grunbok does not include any teaching regarding identity information for mobile devices. It is observed that the examiner does not suggest that these features are disclosed in Grunbok, but only that an update means is disclosed in Grunbok.

Accordingly, since there is no teaching in Grunbok relevant to the above identified novel features, claim 26 is novel and non-obvious for the same reasons as set out above for claim 14.

Regarding claims 27 and 28, Applicants disagree that these claims are made obvious by Adam in view of Grunbok. However, as these claims are dependent on claim 26, which Applicants believe to be novel and non-obvious, it is not necessary to show that claims 27 and 28 are novel and non-obvious in their own right.

In sections 14 and 15 the examiner has rejected claims 29 and 30 as obvious over Adam in view of Shore and Grunbok. Applicants disagree that claims 29 and 30 are obvious. However, as these claims are dependent on claim 26, which Applicants believe to be novel and non-obvious, it is not necessary to show that claims 29 and 30 are novel and non-obvious in their own right.

In section 16 the examiner has rejected claims 31 to 33 as obvious over Adam in view of Shore.

The examiner accepts that claim 31 is distinguished from Adam by the feature that the data store stores network addresses in association with transaction identifiers such that each generated receipt can be transmitted to a network address associated

with the transaction giving rise to the generated receipt and argues that this feature is disclosed in Shore.

Claim 31 includes the corresponding feature to claim 14 that “each transaction has an associated identifier including identity information for a mobile device”.

This feature is not disclosed or made obvious by Adam for the reasons set out above for claim 14.

Further, this feature is also not disclosed in Shore, which does not include any teaching regarding identity information for mobile devices. It is observed that the examiner does not suggest that these features are disclosed in Shore, but only that Shore teaches a data store that stores network addresses in association with transaction identifiers.

Accordingly, since there is no teaching in Shore relevant to the above identified novel features claim 31 is novel and non-obvious for the same reasons as set out above for claim 14.

Regarding claims 32 and 33, Applicants disagree that these claims are made obvious by Adam in view of Shore. However, these claims are dependent from claim 31, which Applicants believe to be novel and non-obvious, so it is not necessary to show that they are novel and non-obvious in their own right.

In section 17 the examiner has rejected claim 35 as obvious over Adam in view of Shore. Applicants disagree that claim 35 is obvious. However, claim 35 is dependent from claim 34, which Applicants believe to be novel and non-obvious, so it is not necessary to show that claim 35 is novel and non-obvious in their own right.

In section 18 the examiner has rejected claims 44 and 45 as obvious over Adam in view of Shore, Swift, Rau or Sohaei. Applicants disagree that claims 44 and 45 are obvious. However, claims 44 and 45 are dependent from claim 1, which Applicants believe to be novel and non-obvious, so it is not necessary to show that claims 44 and 45 are novel and non-obvious in their own right.

Respectfully submitted,

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